

## REMARKS

Claims 1 - 6 and 9 - 14 stand rejected under 35 U.S.C. 102(a) as anticipated by M. Murakami et al "Development of a Pointing Device using EMG Signals," published in Japan on May 12, 2000.

Applicants submit herewith a declaration of prior invention under 37 C.F.R. 1.131 establishing invention of the subject matter of the rejected claims prior to the effective date of the Murakami article on which the rejection is based. Co-inventor Richard Popik is no longer employed by assignee International Business Machines Corporation. His signature can be obtained upon request. Applicants therefore respectfully request withdrawal of the Murakami article from further consideration in this application and withdrawal of the rejection under 35 U.S.C. 102(a).

Claims 7, 8, and 15 - 18 are rejected under 35 U.S.C. 103(a) as unpatentable over Murakami and Toby Howard, "Controlling Computer by Thoughts," published on February 1999. As noted above, applicants have established invention of the subject matter of the rejected claims prior to the effective date of the Murakami article. Applicants therefore respectfully request withdrawal of this rejection under 35 U.S.C. 103(a).

There are no further outstanding issues in this application.

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the

undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

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